

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

YVETTE JOY LIEBESMAN, individually and on behalf)	
of all others similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 4:14 cv 01653 RLW
)	
COMPETITOR GROUP, INC.,)	
)	
Defendant.)	

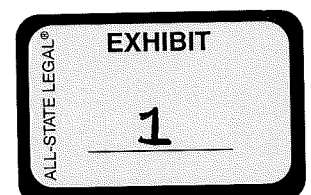
PLAINTIFF’S RESPONSE TO DEFENDANT’S FIRST SET OF INTERROGATORIES

Pursuant to Federal Rules of Civil Procedure 33, Plaintiff Yvette Joy Liebesman (“Liebesman”), responds as follows to the First Set of Interrogatories of Defendant Competitor Group, Inc. (“Defendant”):

General Response and Objections

Plaintiff makes the following response and objections (“General Objections”), whether or not separately set forth in response to each interrogatory, to each and every instruction, definition, and interrogatory:

1. Plaintiff’s response to the interrogatories is made to the best of Plaintiff’s present knowledge, information, and belief based on information reasonably available to Plaintiff as of the date of this response. Said response is at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Plaintiff’s recollection, is subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Plaintiff’s further discovery or investigation.



12. Describe all facts which support your contention that Plaintiff and similarly situated individuals were “employees” of Defendant for purposes of the FLSA and state law, and for each such fact, state the identity of all individuals known to you to have knowledge concerning each such fact (including specification of the particular fact of which they have knowledge) and identify any documents or other memorializations which relate to or constitute evidence of or support for each such fact.

RESPONSE:

Plaintiff objects to the interrogatory to the extent it seeks description of “all facts” as being overly broad and unduly burdensome. Subject to and without waiver of this objection and her General Objections, Plaintiff states as follows: Defendant meets the FLSA’s and state laws’ broad definition of employer, Plaintiff the broad definition of employee, and Plaintiff’s function meets the definition of “work” as those laws have been interpreted. See facts described in Plaintiff’s Memorandum of Law in Opposition to Defendant’s Motion to Dismiss, Dkt. No. 33, and in Plaintiff’s Renewed Motion for Conditional Certification, Dkt. Nos. 53 55. In addition, Defendant controls the operations of the events at which Plaintiff and similarly situated volunteers work; Defendant solicits and recruits the volunteer employees; Defendant determines the roles volunteer employees will fill; and Defendant trains and/or instructs the volunteer employees on the performance of their job functions. Finally, Plaintiff is informed and believes that when Defendant cannot find sufficient unpaid volunteers, it hires paid workers to perform the functions otherwise performed by volunteers. These facts are known to Defendant and its employees, to Plaintiff, and to other similarly situated individuals who have been identified or will be identified through discovery.

Plaintiff's investigation continues and Plaintiff reserves the right to supplement or amend this response.

improperly suggests that Defendant chooses what must be accounted for in any trial plan Plaintiff might propose.

As to Objections,

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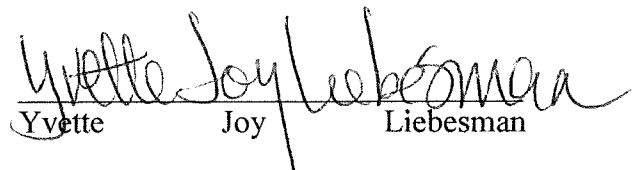
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VERIFICATION

I have read the foregoing Plaintiff's Response to First Set of Interrogatories, and know the contents thereof. I certify that the Responses to Individual Interrogatories therein are true and correct to the best of my knowledge, information, and belief.

As provided by 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 11, 2015


Yvette Joy Liebesman

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 11th day of August 2015, a true and accurate copy of the foregoing was served by email, in accordance with counsel's agreement pursuant to Fed. R. Civ. P. 5(b)(2)(E), to the following counsel of record for Defendant:

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